

### REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

Applicants' representative wishes to thank Examiner Luu for the courtesy extended during the personal interview on September 15, 2005. The substance of the interview is reflected in the discussion below.

Claims 1-4, 7-12 and 15-17 were rejected under 35 U.S.C. Section 102(b) as allegedly being "clearly anticipated" by Wadsworth et al. (U.S. Patent No. 5,657,448). While not acquiescing in this rejection, the claims 1 and 9 have been amended as discussed at the interview to further distinguish over Wadsworth et al. As such, the discussion below makes reference to the amended claims.

Claim 1 is directed to a program supplying method for supplying a program from a server to an image forming apparatus. The claim calls for "initiating, in response to a user input to the image forming apparatus, a program supplying operation for supplying the program." Applicants respectfully submit that Wadsworth et al. fails to disclose, among other things, initiating a program supplying operation in response to a user input to an image forming apparatus.

Wadsworth et al. relates to a circuit board (referred to in Wadsworth et al. as a Network Expansion Board or "NEB") that is coupled to a local area network peripheral (e.g., a printer) and which allows the peripheral to be an intelligent, interactive network member eliminating the necessity of dedicating a personal computer to manage the peripheral. Wadsworth et al., col. 1, lines 11-15. As further explained in Wadsworth et al.:

...the present invention provides hardware and software solutions for making a network peripheral, such as a printer, an interactive network member capable not only of receiving and processing data received from the network, but of transmitting to the network significant amounts of data such as detailed status information, operational parameters, and even data input to the peripheral through other modalities such as scanning, facsimile reception, etc. Wadsworth et al., col. 3, line 65 to col. 4, line 6.

As described beginning at col. 48, line 15 of Wadsworth et al., a NEB is configured initially prior to shipping. However, the NEB can be reconfigured subsequently by sending

updated executable files across the LAN from a network administrator's PC to the NEB. The network administrator can also remotely alter the executable files stored in the memory of the NEB.

With specific reference to Wadsworth et al. Figure 20, a DOWNLOADER program broadcasts over the LAN a request for identification of all NEB devices having a particular configuration. (Step S2001). If a target NEB responds at Step S2002, the network administrator selects a particular NEB to download an executable file, and new operational files and a checksum value are downloaded to the memory of the NEB over the LAN. As specifically described in Wadsworth et al. with reference to Figure 20:

If in Step S2002 a target NEB responds [to a request for identification of NEBs having a particular configuration], flow advances to Step S2003.

In Step S2003, the SAPSERVER program responds with the unique network IDs and the unique socket numbers assigned to each NEB (see section 4g above). This location information is collected, the network administrator selects a particular NEB to download an executable file, and communication is established with the target NEB.

Upon selecting the target NEB, the network administrator downloads new operational files and a spetial (sic) packet containing a checksum value to DRAM 220 [of the NEB] across the LAN in Step S2004 whereupon flow advances to Step S2005...

Thus, the network administrator can alter the operation of NEB 2 by remotely sending new operational files to be stored and to be executed from DRAM 220. Wadsworth et al., col. 48, line 42 to col. 49, line 3.

There is no disclosure here or elsewhere in Wadsworth et al. of initiating a program supplying operation from a printer configured with a NEB. As is clear from the portion of Wadsworth et al. discussed above, it is the network administrator that remotely initiates the altering of the executable files of the NEB. There is simply no disclosure of the NEB receiving a user input to initiate a program supplying operation.

The various portions of Wadsworth et al. referenced in the office action do not disclose this feature.

The first referenced portion (i.e., col. 6, line 57 to col. 17, line 14) describes various aspects of the CPCONSOL program provided in the network administrator's PC (e.g., displaying

current information for a selected network device; setting or modifying the safe (default) condition of a network device; activate/deactivate applications of the NEB; etc.). However, there is no discussion herein of downloading a program, much less any discussion of the NEB receiving a user input to initiate a program supplying operation.

The second referenced portion (i.e., col. 8, lines 4-30) describes the architecture of the printer associated with the NEB. There is mention beginning at col. 8, line 24 of exporting front panel display information to a remote location and of control of front panel keyboard functions from a remote location. However, here again, there is no discussion of downloading a program or initiating an operation for downloading a program.

The third referenced portion (i.e., col. 38, lines 10 to col. 41, line 65) encompasses the last two sub-sections of section 4i ("Accessing The Networked Printer Using CPCONSOL") and the initial portion of section 4j ("NEB Responses To Status Inquiry Using CPSOCKET"). CPCONSOL is a utility program executed from the system administrator's PC "by which the NEB can be used for maximum control and efficiency of the networked printer." Wadsworth et al., col. 34, lines 16-19. CPSOCKET is an application program which runs out of the DRAM of the NEB and causes the monitoring of the NEB's broadcast socket on the LAN for broadcasts from programs such as CPCONSOL. Wadsworth et al., col. 38, line 66 to col. 39, line 5. There is nothing in any of these portions of Wadsworth et al. that discloses the NEB initiating a program supplying operation in response to a user's input.

The "Application Control" discussion beginning at col. 38, line 10 describes allowing CPCONSOL to view, for example, the current configuration of the NEB within the network. Nothing in this discussion relates to the NEB initiating a program supplying operation in response to a user's input.

The "Printer Status" discussion beginning at col. 38, line 18 describes the various responses to status requests from CPCONSOL that may be provided by CPSOCKET (e.g., "normal", "off-line", "enginetest", etc.) Nothing in this discussion relates to the NEB initiating a program supplying operation in response to a user's input.

The "NEB Responses" discussion beginning at col. 38, line 65 mentions that CPSOCKET provides firmware download capabilities. Wadsworth et al., col. 39, lines 19-20. These download capabilities are further described in section 4j beginning at col. 43, line 37:

If in Step S1619 CPSOCKET determines that a download command has been received from the LAN interface, then flow advances to Step S1620 in which CPSOCKET executes the download request, for example, by receiving downloadable code and storing it in specified locations in DRAM 220, by providing check-sum data for the downloadable code, and by flashing the downloadable code into EPROM 222.

Table 15 of Wadsworth et al. summarizes some of the "more important" download commands and emphasizes that the download commands (including a download request) come from the DOWNLOADER program running, e.g., on network administrator's PC 14 as mentioned at col. 15, line 26. CPSOCKET (which runs on the NEB) simply provides "confirmation" responses to all of these download commands. There is nothing in this portion of Wadsworth et al., or any other portion of Wadsworth et al. describing the NEB initiating a program supplying operation in response to a user's input. The NEB is described as merely providing "confirmation" responses.

The office action contends that Wadsworth et al. "teaches CPSOCKET transmits order for firmware download from the printer to administrator's PC" and references col. 38, line 10 to col. 39, line 20 in this regard. 6/23/05 Office Action, page 6. Applicants disagree with this assertion. The only reference to "firmware downloading" in this portion of Wadsworth et al. is at col. 39, lines 19-20 and this reference simply notes that CPSOCKET provides "...firmware download capabilities." There is absolutely no disclosure or suggestion in this portion of Wadsworth et al. of transmitting an order from the printer to the administrator's PC as alleged in the office action.

Because Wadsworth et al. does not disclose, among other things, the NEB initiating a program supplying operation in response to a user's input as recited in claim 1, Wadsworth et al. cannot anticipate claim 1, or the claims that depend therefrom. *See, e.g., Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.").

Claim 9 is directed to a program supplying system in which an image forming apparatus includes "an operating portion operable by a user to initiate a program supplying operation." For the reasons explained above in connection with claim 1, Wadsworth et al. does not disclose the concept of an imaging forming apparatus configured to initiate a program supplying operation. Consequently, Wadsworth et al. does not anticipate claim 9 or the claims that depend therefrom.

The claims depending from claims 1 and 9 contain additional patentable features not disclosed in Wadsworth et al.

By way of example, Wadsworth et al. does not disclose the displaying of the determination as to whether the program is operable in a user terminal as specified in claim 2. The office action alleges on page 5 that Wadsworth et al. discloses that the printer has a front panel display to allegedly display "any information" relating to the printer including the result of the determination. Applicant agrees that Wadsworth et al. discloses that the printer has a front panel display. However, the mere existence of the display does not constitute a disclosure of using the display to display the claimed determination. For these additional and independent reasons, claim 2 is not anticipated by Wadsworth *et al.*

In connection with the result recording of claim 7, the office action references col. 33, lines 40-57 of Wadsworth *et al.* While this portion of Wadsworth *et al.* describes the logging of various information, there is no discussion of a program operability determination result or the storing of such a result. The office action alleges on page 6 that "Wadsworth teaches any information including the result of the determination can be logged and stored in the printer or the administrator's PC" and again references col. 33, lines 4-57 in this regard. First, this portion of Wadsworth et al. describes the logging of particular information in accordance with which one of four different logging levels is specified. There is no disclosure of logging "any" information. Second, the mere provision of a logging feature in Wadsworth et al. does not constitute a disclosure logging the claimed information. For these additional and independent reasons, claim 7 is not anticipated by Wadsworth *et al.*

Claims 5, 6, 13 and 14 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Wadsworth *et al.* in view of Rose (U.S. Patent No. 5,708,709). Rose is cited in connection in the program list recited in dependent claims 5, 6, 13 and 14. However, Rose does not remedy the deficiencies of Wadsworth *et al.* in connection with claims 1 and 9, from which claims 5, 6, 13 and 14 depend. As such, the subject matter of these claims would not result even if these documents were forcedly combined as proposed in the office action. In addition, Rose does not disclose a program list indicative of programs operable in an operating environment of a user terminal based on operating environment information transmitted to a server. This feature

even further distinguishes claims 6 and 14 from the proposed combination of Wadsworth *et al.* and Rose.

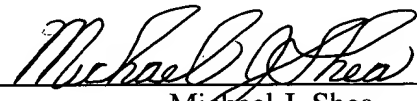
New claims 20 and 21 have been added. The subject matter of these new claims is fully supported by the original disclosure and no new matter is added.

Claims 20 and 21 each describes a method of supplying a program in which a request for a list of programs is sent from an image forming apparatuses to a server, in response to a user input to the image forming apparatus. The applied documents do not disclose or suggest such methods.

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

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